

Robert Norlan Daughtrey.

S.R. 333 - By Senator Adams: Extending congratulations to City of Buna on their Redbud Festival.

S.R. 334 - By Senator Meier: Extending congratulations to Mayor and City Council of Fort Worth.

S.R. 335 - By Senators Harris, Moore and Herring: Extending congratulations to Miss Cindy White.

S.R. 336 - By Senators Harris and Braecklein: Extending welcome to students from Hillcrest High School.

ADJOURNMENT

Senator Moore moved the Senate stand adjourned until 10:50 o'clock a.m. today.

Senator Creighton made the substitute motion that the Senate stand adjourned until 11:00 o'clock a.m. Monday.

Question on the motion to adjourn until 11:00 o'clock a.m. Monday, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote: Yeas 10, Nays 21,

Yeas: Andujar, Blanchard, Creighton, Harris, McKinnon, McKnight, Mengden, Patman, Snelson and Traeger.

Nays: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Question recurring on the motion to adjourn until 10:50 o'clock a.m. today, the motion prevailed.

Accordingly the Senate at 10:43 o'clock a.m. adjourned until 10:50 o'clock a.m. today.

APPENDIX

Sent to Governor

March 15, 1973

S.B. 6
S.C.R. 58

THIRTY-SEVENTH DAY (Thursday, March 15, 1973)

The Senate met at 10:50 o'clock a.m., pursuant to adjournment, and was

called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

MOTION TO DISPENSE WITH MORNING CALL

Senator Moore asked unanimous consent to dispense with the Morning Call.

There was objection.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members present.) Yeas 17, Nays 11, Absent 3.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, Meier, Moore, Sherman, Traeger and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Jones, McKinnon, McKnight, Mengden, Ogg, Patman and Snelson.

Absent: Santiesteban, Schwartz and Wallace.

The Assistant Secretary of the Senate offered the invocation as follows:

O Lord, support us all the day long of this troublous life, until the shades lengthen, and the evening comes, and the busy world is hushed, the fever of life is over, and our work done. Then, Lord, in Thy mercy, grant us safe lodging, a holy rest, and peace at the last, through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

HOUSE BILL 185 ON THIRD READING

The President laid before the Senate on its third reading and final passage:

H.B. 185, A bill to be entitled An Act to authorize and provide for recognition of fire and police service employee associations and collective bargaining for firefighters and policemen employed by cities, towns, and other political subdivisions of the state; etc.; and declaring an emergency.

The bill was read third time.

Senator Brooks offered the following amendment to the bill:

Amend H.B. 185 by striking subsection (ii) in Sec. 5(b) of the bill and redesignate the present (iii) as (ii), and amending it to read as follows:

"(ii) Upon receiving a petition signed by qualified voters in such city, town or political subdivision in number not less than five per cent (5%) of the total number voting in the last preceding general election or 20,000 signatures

whichever is less, the governing body of such city, town or political subdivision shall either adopt this Act to become effective within thirty (30) days after the beginning of the next fiscal year of said city, town or political subdivision, or hold an election within sixty (60) days after said petition has been filed with such governing body. If at said election a majority of the votes cast shall favor the adoption of this Act, then such governing body shall place this Act into effect within ninety (90) days after said election. The question which shall be submitted to the qualified electors shall be as follows:

"FOR or AGAINST the following:

"Adoption of the State law applicable to ('firefighters and policemen' or 'firefighters' or 'policemen') which prohibits strikes and lockouts and establishes collective bargaining when a majority of the affected employees favor representation by an employees' association."

The amendment was read.

Question, Shall the amendment by Senator Brooks be adopted?

EXECUTIVE SESSION

Senator McKinnon announced that the time has arrived for an Executive Session of the Senate (he having given notice on yesterday).

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:15 o'clock p.m. today.

Senator McKinnon moved confirmation of the nominees considered in Executive Session.

Senator Harris requested a severance on Dr. Robert O. Day.

Senator Blanchard made a substitute motion to postpone consideration of Dr. Day until the next Executive Session.

The motion prevailed.

NOMINEES CONFIRMED

PRESIDING JUDGE OF THE 2ND ADMINISTRATIVE JUDICIAL DISTRICT OF TEXAS:

The Honorable James F. Warren, of Huntsville, Walker County, term to expire December 31, 1976.

PRESIDING JUDGE OF THE 5TH ADMINISTRATIVE JUDICIAL DISTRICT OF TEXAS:

The Honorable Jose R. Alamia, of Edinburg, Hidalgo County, term to expire December 31, 1976.

PRESIDING JUDGE OF THE 7TH ADMINISTRATIVE JUDICIAL DISTRICT OF TEXAS:

The Honorable C. V. Milburn, of Odessa, Ector County, term to expire December 31, 1976.

DISTRICT ATTORNEY OF THE 35TH JUDICIAL DISTRICT UNTIL HIS SUCCESSOR SHALL BE DULY QUALIFIED:

Gordon Griffin, Jr., of Brownwood, Brown County.

DISTRICT ATTORNEY OF THE 235TH JUDICIAL DISTRICT UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

Jim J. Hatcher, of Gainesville, Cooke County.

ASSOCIATE JUSTICE OF THE 14TH COURT OF CIVIL APPEALS UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

The Honorable Edward D. Coulson, of Houston, Harris County.

MEMBER OF THE RED RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS:

Elvin L. Barnes, of Wichita Falls, Wichita County, term to expire August 11, 1977.

MEMBER OF THE SUBMERGED LANDS ADVISORY COMMITTEE:

Wood M. Hall, of Austin, Travis County, term to expire December 31, 1974.

MEMBER OF THE TEXAS CIVIL JUDICIAL COUNCIL:

Mrs. LaVerne A. Dobbs, of Houston, Harris County for a term from October 19, 1972, until February 9, 1973.

STATE AUDITOR OF TEXAS:

George W. McNiel, of Austin, Travis County, term to expire February 15, 1975.

The nominees were confirmed by the following vote: Yeas 31, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

HOUSE BILL 185 ON THIRD READING

The Senate resumed consideration of the pending business, same being H.B. 185 on its third reading and final passage with an amendment by Senator Brooks pending.

Question, Shall the amendment by Senator Brooks be adopted?

The amendment was adopted by the following vote: Yeas 21, Nays 10.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, Meier, Moore, Ogg,

Santiesteban, Schwartz, Sherman, Traeger, Wallace and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Jones, McKinnon, McKnight, Mengden, Patman, Snelson.

Senator Mengden offered the following amendment to the bill:

Amend Section 13(c) of H.B. 185, by striking the words "final and" on page 8, line 6 and by adding the following sentence after the period at end of the Section 13(c):

"(c) A majority decision of the arbitration board, if supported by competent, material, and substantial evidence on the whole record, shall be final and binding upon the parties and may be enforced at the instance of either party or of the arbitration board, in the state district court for the judicial district in which a majority of the affected employees reside. Upon a petition of ten per cent (10%) of the duly qualified electors of the city, town, or political subdivision, an award of the arbitration board shall be placed on the ballot in a special election of such city, town, or political subdivision within sixty (60) days after said petition has been filed with such governing body. If at said election a majority of the votes cast disapprove of the arbitration award, the award shall be null and void."

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Andujar, Blanchard, Creighton, Harris, Jones, McKinnon, McKnight, Mengden, Ogg, Patman, Sherman, Snelson and Traeger.

Nays: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, Meier, Moore, Santiesteban, Schwartz, Wallace and Wolff.

The bill as amended was finally passed by the following vote: Yeas 19, Nays 12.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Kothmann, Longoria, Mauzy, Meier, Moore, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Andujar, Blanchard, Creighton, Harris, Jones, McKinnon, McKnight, Mengden, Ogg, Patman, Snelson and Traeger.

REASON FOR VOTE

My reason for voting against H.B. 185 is due to the failure of the adoption of my amendment to require voter approval of the decisions of arbitration boards set up to settle city-union disputes.

The arbitration board could award a wage increase so large it would greatly increase taxes and the tax paying citizens would have nobody to hold responsible or to vote out of office.

My amendment assures that the court of last resort is the people. The basis of a democracy is that such decisions - the impositions of taxes should be made by the people and not an arbitration board.

A vote against this amendment is a vote to take out of the hands of the taxpayers the right to decide if they are to increase their taxes.

It is as true now as 200 years ago that taxation without representation is wrong.

MENGDEN

HOUSE BILL 5 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 5, Relating to restrictions on the authority of conference committees appointed to resolve disagreements between the Senate and the House of Representatives with regard to appropriations, bills and tax bills; and declaring an emergency.

The bill was read second time.

Question, Shall H.B. 5 be passed to engrossment?

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 15, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 35, That by this Resolution, the House Administration Committee and the Senate Committee on Administration are hereby authorized to acquire by gift, or purchase, for the people of Texas a bronze bust of President Lyndon Baines Johnson.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committees indicated:

H.B. 9, To Committee on Jurisprudence.
H.B. 533, To Committee on Education
H.B. 94, To Committee on Intergovernmental Relations.
H.B. 306, To Committee on Jurisprudence.
H.B. 80, To Committee on State Affairs.
H.B. 57, To Committee on State Affairs.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption has been read, the following enrolled bills:

S.B. 142
S.B. 158
H.B. 270

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, March 19, 1973

S.B. 106 - Senator Traeger
S.B. 526 - Senator Schwartz
S.B. 393 - Senator Aikin
S.B. 221 - Senator Patman
C.S.S.B. 44 - Senator Jones
S.B. 123 - Senator Gammage

Tuesday, March 20, 1973

S.B. 11 - Senator Wolff.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:01 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 19, 1973.

APPENDIX

Sent to Governor

March 15, 1973

S.B. 142
S.B. 158

THIRTY-EIGHTH DAY (Monday, March 19, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: McKinnon.

A quorum was announced present.

The Reverend Frank Walker, Jr., First Southern Presbyterian Church, Austin, Texas, offered the invocation as follows:

Father, a part of your family is here to begin another week. This work will affect a larger part of Your family. We need to begin this week free from all that pulls us down, that holds us back. You have given us minds with which to think through our problems. And You have shown us in Jesus a way that works. It may be a way not only of love, but suffering. Yet we would follow because we trust You to lead us. Amen.